


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: McAULEY et al. )  
 For: BREATHING ASSISTANCE )  
 APPARATUS )  
 Serial No.: 10/564,998 )  
 Filed: January 13, 2006 )  
 Art Unit: Not Yet Assigned )  
 Atty Docket No.: 1171/44279/162-PCT-US )

CERTIFICATE OF MAILING BY "EXPRESS MAIL"	
MAILING LABEL NUMBER:	EL984133975us
DATE OF DEPOSIT:	June 6, 2006
I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE BOX ADDRESSEE" SERVICE UNDER 35 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.	
 Tiffany E. Seaton	

**RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Commissioner For Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
**MAIL STOP: MISSING PARTS**

Sir:

The above-noted application was filed on January 13, 2006 via Express Mail. As a result of the original, executed Declaration document not being attached to said application, a Notice to File Missing Parts issued.

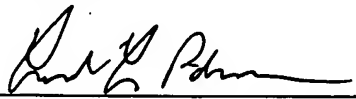
In response to the aforementioned Notice, please find enclosed herewith the following:

- Original Declaration and Power of Attorney for Patent Application, executed by the inventors, Alastair Edwin McAuley; Christopher Earl Nightingale; Aidan Mark Shotbolt; Stuart Robert Allen Grant; and Lewis George Gradon
- A copy of the aforementioned Notice to File Missing Parts of Application
- A check in the amount of \$130.00 for payment of the filing of the executed Declaration and Power of Attorney.

If the afore-mentioned check is missing or insufficient, the Commissioner is hereby authorized and requested to charge Deposit Account No. 20-1495 for any amount necessary to cover any costs associated with this Response or to credit any overpayment.

Respectfully submitted,

Dated: June 6, 2006

By:   
Raiford A. Blackstone, Jr., Reg. No. 25,156  
Linda L. Palomar, Reg. No. 37,903  
Attorneys for Applicant  
Trexler, Bushnell, Giangiorgi,  
Blackstone & Marr, Ltd.  
105 W. Adams Street, 36th Floor  
Chicago, IL 60603-6299  
(312) 704-1890

06-07-06

PCT\$



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

Fe.P. H. Case 162-PCT-US

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/564,998	Alastair Edwin McAuley	1171/44279/162-PCT-US

279  
 TREXLER, BUSHNELL, GIANGIORGI,  
 BLACKSTONE & MARR, LTD.  
 105 WEST ADAMS STREET  
 SUITE 3600  
 CHICAGO, IL 60603

**RECEIVED**  
 MAY 22 2006

**TREXLER, BUSHNELL, GIANGIORGI,  
 BLACKSTONE & MARR, LTD.**

INTERNATIONAL APPLICATION NO.	
PCT/NZ04/00165	
I.A. FILING DATE	PRIORITY DATE
07/27/2004	07/30/2003

**CONFIRMATION NO. 6127  
 371 FORMALITIES LETTER**



\*OC000000018794705\*

Date Mailed: 05/16/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/13/2006
- Copy of the International Search Report filed on 01/13/2006
- Copy of IPE Report filed on 01/13/2006
- Preliminary Amendments filed on 01/13/2006
- Information Disclosure Statements filed on 05/08/2006
- Oath or Declaration filed on 01/13/2006
- U.S. Basic National Fees filed on 01/13/2006
- Priority Documents filed on 01/13/2006
- Specification filed on 01/13/2006
- Claims filed on 01/13/2006
- Abstracts filed on 01/13/2006
- Drawings filed on 01/13/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the

missing items identified in this letter.

# SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN R MCLEAN

Telephone: (703) 308-9140 EXT 214

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/564,998	PCT/NZ04/00165	1171/44279/162-PCT-US